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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,363

10/30/2003

Brian John Smyth

6788

7590

03/08/2006

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EXAMINER

CAVALLARI, DANIEL J

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,363	Applicant(s) SMYTH, BRIAN JOHN	
	Examiner Daniel J. Cavallari	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

Claims 2 & 3 recite the limitation "the switching device" however "a switching device" is not previously disclosed. There is insufficient antecedent basis for this limitation in the claim.

Claims 2 & 3 will be examined as best understood in which "the switching device" is taken to mean "the electrical circuit" as disclosed in claim 1.

Claims 4-8 recite the limitation "An in-line low-voltage electrical circuit according to claim 1" however "An in-line low-voltage electrical circuit" is not previously disclosed in Claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 4-8 will be examined as best understood in which "An in-line low-voltage electrical circuit" is taken to mean "An electrical circuit" as disclosed in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Yeo (WO 0263916 A1).

In regard to Claims 1, 4, & 7

- An electrical circuit (200a, 200n) connected between a low-voltage power supply (100a, 100n) and a low voltage load (400a, 400n), that switches (latches) power downstream of the circuit on and off using a remote radio frequency (RF) transmitter (300) (See Figure 1 & Page 6, Line 6 to Page 7, Line 2)

In regard to Claims 2 & 5

- Wherein the electrical circuit (200a, 200n) is assigned a unique address such that a single radio frequency transmitter can switch on and off a device (See Page 9, lines 6-8 & Page 11, Lines 9-24)

In regard to Claims 3 & 6

- The low-voltage power supply (100a, 100n) powering the electrical circuit (200a, 200n) (See Page 6, Lines 8-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo and Swarzbach et al. (US 4,418,333).

Incorporating all arguments above of the method and apparatus of switching on and off power as taught by Yeo, Yeo fails to teach wherein the electrical circuit (220a, 200n) returns to a previous state once low-voltage power is restored after being interrupted.

Swarzbach et al. (hereinafter referred to as Swarzbach) teaches a remote appliance controller in which after a power interruption, a central controller is capable of returning the states of the remote electrical circuits which control the on/off state of an attached appliance (See Column 20, lines 9-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the state setting function as taught by Swarzbach, which resets the states of a group of electrical circuits to their previous state after a power interruption has occurred, into the controlling system of Yeo. The motivation

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would have been to quickly restore power to electrical devices after power has been restored.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dresti et al. (US 6,642,852) teaches a remote control device for electrical appliances.
- Gardner (US 6,891,478) teaches a method and apparatus for controlling electrical appliances.
- Mosebrook et al. (US 5,905,442) teaches a method and apparatus for controlling electrical devices.
- Arifuku (JP 11136191 A) teaches a remote controlled power supply plug.
- Moseley et al. (US 5,099,193) teaches a remote control power control system.
- Tsui (US 2001/0034213) teaches a universal transmitter for controlling a utility device.
- Barthelmess (US 2005/0104533 A1) teaches a remote controlled light display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Cavallari whose telephone number is (571)272-8541. The examiner can normally be reached on Monday-Friday 8:30-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Cavallari

February 24, 2006



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800